

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERNADEAN RITTMANN, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., *et al.*,

Defendants.

Consolidated Action
CASE NO. C16-1554-JCC

MINUTE ORDER

This matter comes before the Court on Plaintiffs' motion for a preliminary injunction (Dkt. No. 304). Plaintiffs ask the Court to enjoin Defendants from prosecuting actions to compel the arbitration in 22 jurisdictions outside of this one for 74 individually named and/or opt-in Plaintiffs in this action. (*See generally* Dkt. Nos. 302, 304.) The motion (Dkt. No. 304) is currently noted for August 2, 2024, pending the receipt of Plaintiffs' response to Defendants' surreply. (*See* Dkt. No. 322.) After reviewing the briefing to date, the Court concludes that supplemental briefing is required.

First, the Court seeks argument as to why 9 U.S.C. § 4 would apply to each individual, given the Federal Arbitration Act's transportation worker exemption, as construed in *Bissonnette v. LePage Bakeries Park St., LLC*, 601 U.S. 246, 256 (2024); *Ortiz v. Randstad Inhouse Services, LLC*, 95 F.4th 1152, 1161 (9th Cir. 2024); and *Carmona Mendoza v. Domino's Pizza, LLC*, 73 F.4th 1135, 1138 (9th Cir. 2023).

1 Second, the Court seeks the following information for each of the 74 individuals: (1) the
2 time period they provided services to Defendants (beginning and end date—if no longer
3 providing services); (2) which version of Defendants’ Terms of Service applied (and why); and
4 (3) whether they *solely* deliver(ed) locally stocked items (and if so, describe the nature of those
5 items).

6 Defendants shall submit a supplementary brief on the issues described above, not
7 exceeding six pages of argument (excluding declarations and exhibits), no later than August 9,
8 2024. Plaintiffs may file a response supplementary brief, also not exceeding six pages of
9 argument, no later than August 16, 2024.

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11 DATED this 30th day of July 2024.

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13 Ravi Subramanian
14 Clerk of Court

15 s/Kathleen Albert
16 Deputy Clerk
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